

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JIMMIE BROWN,

Petitioner,

v.

Case No. 13-13034  
HON. TERRENCE G. BERG  
HON. PAUL J. KOMIVES

MARY BERGHUIS,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Petitioner Jimmie Brown, a state prisoner currently incarcerated at the West Shoreline Correctional Facility in Muskegon Heights, Michigan, is seeking a writ of habeas corpus, alleging that his right to due process was violated both when he was induced to accept a plea agreement that he now believes to have been illusory and when the trial court subsequently denied his motion to withdraw his guilty plea.

On February 18, 2014, the Court referred this case to Magistrate Judge Paul J. Komives. This matter is now before the Court on the Magistrate Judge's April 28, 2014 Report and Recommendation (Dkt. 9), recommending that the Court both deny Petitioner's application for a writ of habeas corpus and deny Petitioner a certificate of appealability.

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.*

Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed Petitioner's application and the government's response and does hereby **ACCEPT** and **ADOPT** Magistrate Judge Komives' Report and Recommendation of April 28, 2014, as this Court's findings of fact and conclusions of law.

Therefore, Petitioner's application for a writ of habeas corpus is **DENIED**; further, Petitioner is **DENIED** a certificate of appealability.

**SO ORDERED.**

Dated: May 20, 2014

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically submitted on May 20, 2014, using the CM/ECF system; a copy of this Order was also addressed to Petitioner and mailed to 234066 West Shoreline Correctional Facility, 2500 S. Sheridan Drive, Muskegon Heights, Michigan 49444.

s/A. Chubb  
Case Manager